

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-AR-87

October 9, 2014

Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159, §§ 12, 32, and 39, and G.L. c. 166, §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2005, 2006, 2007, 2008, and/or 2009.


ORDER ON REFERRAL FOR ENFORCEMENT

On June 3, 2013, the Massachusetts Department of Telecommunications and Cable ("Department") found that XCOM Technologies, Inc. ("XCOM") had failed to file its 2008 and 2009 annual returns with the Department as required pursuant to G.L. c. 159, § 32, and G.L. c. 166, § 11. *See* Order D.T.C. 11-AR-C at 1, 11. On August 1, 2014, the Department issued a Demand Letter to XCOM directing the company to submit its delinquent returns and associated filing fees to the Department. *See Annual Returns Investigation Demand Letter*, D.T.C. 11-AR (Aug. 1, 2014). The Department indicated that it would refer the matter to the Attorney General for enforcement if the company did not comply by September 1, 2014. *Id.*

On August 29, 2014, Level 3 Communications, LLC ("Level 3") responded to the Demand Letter on behalf of XCOM. Level 3 submitted documentation reflecting a merger of XCOM into Level 3 prior to 2008, in which Level 3 became the surviving company. In turn, Level 3 timely-filed their 2008 and 2009 annual returns with the Department.

Based on the information submitted by Level 3, the Department finds that XCOM is now in compliance with the Commonwealth's annual returns filing requirement. Accordingly, the Department will not refer this case to the Attorney General for enforcement.

By Order of the Department,


Karen Charles Peterson, Commissioner

RIGHT OF APPEAL

Pursuant to G.L. c. 25, § 5, and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court.